

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

JOHN H. ALLEN

PLAINTIFF

v.

CASE NO.: 4:93-cv-00398 BSM

MONROE COUNTY, ARKANSAS

DEFENDANT

ORDER

John Allen cites three reasons for moving for a new trial: (1) it was an error to respond to the five questions asked by the jurors without allowing the parties to object or respond on the record; (2) the tape measure provided to the jurors during deliberation is extrinsic evidence that biased the jury's verdict; and (3) Allen proved every element of his claim by a preponderance of the evidence. The defendant objects to the motion for new trial. After reviewing the briefs and record, the motion for new trial [Doc. No. 140] is denied.

IT IS SO ORDERED this 20th day of December, 2010.



UNITED STATES DISTRICT JUDGE